

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JUNE 19, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 63

Introduced by Assembly Member Emmerson
(Coauthor: Senator Negrete McLeod)

December 4, 2006

An act to amend Section 1 of Chapter 833 of the Statutes of 1988, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 63, as amended, Emmerson. Parks and recreation: Glen Helen Regional Park.

(1) Existing law authorizes the County of San Bernardino to grant an easement for road purposes across lands within the Glen Helen Regional Park acquired with moneys received pursuant to the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act under specified conditions.

This bill would instead authorize the County of San Bernardino to grant ~~not no~~ more than ~~16 9~~ acres for that easement, ~~or and no more than 7 acres~~ for a fee interest in the property for which a road easement has been granted or in a portion thereof, provided the county transfers ~~not more than 7 acres of~~ parkland in Glen Helen Regional Park pursuant to specified conditions, including the acquisition of substitute parkland. The bill would also make technical corrections.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1 of Chapter 833 of the Statutes of 1988
2 is amended to read:

3 Section 1. (a) Notwithstanding any other provision of law,
4 provided all of the conditions specified in subdivision (b) are met,
5 the County of San Bernardino may grant ~~not more than 16 acres,~~
6 pursuant to subdivision (a) of Section 5626 of the Public Resources
7 Code, *no more than nine acres* for an easement for road purposes
8 across lands within the Glen Helen Regional Park acquired with
9 grant moneys received pursuant to the Roberti-Z'berg-Harris Urban
10 Open-Space and Recreation Program Act, Chapter 3.2
11 (commencing with Section 5620) of Division 5 of the Public
12 Resources Code, ~~or and no more than seven acres for a fee interest~~
13 ~~in the same~~ property, or portion of that property, subject to an
14 exchange for, or acquisition of, property of equal or greater
15 ~~recreation~~ recreational value, as determined by the Department
16 of Parks and Recreation, and at no cost to the state. Any property
17 acquired shall be utilized solely for park purposes, and shall be
18 subject to all applicable requirements of the Roberti-Z'berg-Harris
19 Urban Open-Space and Recreation Program Act.

20 (b) The County of San Bernardino may transfer ~~not more than~~
21 ~~seven acres of~~ parkland in Glen Helen Regional Park; *pursuant to*
22 *subdivision (a), only* if all of the following conditions are met:

23 ~~(1) The county complies with the Public Park Preservation Act~~
24 ~~of 1971 (Chapter 2.5 (commencing with Section 5400) of Division~~
25 ~~5 of the Public Resources Code), and submits to the Department~~
26 ~~of Parks and Recreation evidence of compliance, including, but~~
27 ~~not limited to, a copy of the recorded deed and title policy for, and~~
28 ~~map of, the substitute parkland required pursuant to that act.~~

29 *(1) The county enters into an agreement with the acquiring*
30 *entity, only after a public hearing, that requires the acquiring*
31 *entity to provide substitute parkland of comparable characteristics*
32 *and of substantially equal size located in an area that would allow*
33 *for use of the substitute parkland by generally the same persons*
34 *who currently use Glen Helen Regional Park.*

1 (2) *The county follows the public meeting and notification*
2 *requirements described in Section 5406 of the Public Resources*
3 *Code.*

4 (3) *The county submits to the Department of Parks and*
5 *Recreation evidence of compliance with paragraphs (1) and (2),*
6 *including, but not limited to, a copy of the recorded deed and title*
7 *policy for, and a map of, the substitute parkland.*

8 ~~(2)~~

9 (4) *The county submits to the Department of Parks and*
10 *Recreation a revised map of Glen Helen Regional Park, with the*
11 *revised acreage.*

12 ~~(3)~~

13 (5) *The county prepares a detailed land plan showing the specific*
14 *parcels of Glen Helen Regional Park that will be transferred, and*
15 *demonstrates that there is no net loss in park acreage as a result of*
16 *the transfer pursuant to this section.*

17 ~~(4) The transferred property is used only for approved~~
18 ~~development.~~

19 ~~(5) The county ensures, by resolution or other official action,~~
20 ~~that the substitute parkland is used solely for park purposes.~~

21 (6) *The transferred property is used only for development that*
22 *is consistent with the county's general plan and consistent with*
23 *public park purposes.*

24 (7) *The county adopts an ordinance at a public meeting that*
25 *does all of the following:*

26 (A) *Identifies the property within Glen Helen Regional Park*
27 *that is to be transferred and the property that the county will*
28 *acquire to replace the transferred property.*

29 (B) *Makes a finding that the substitute parkland will be provided*
30 *or paid for by the acquiring entity and will have acreage that is*
31 *equal to or greater than the acreage of the property transferred.*

32 (C) *Makes a finding that the transfer does not diminish the*
33 *environmental integrity or recreational value of Glen Helen*
34 *Regional Park and that the development is consistent with the*
35 *county's general plan and public park purposes.*

36 (D) *Makes a finding that the substitute parkland will provide*
37 *an equivalent or higher level of recreational and environmental*
38 *service to the current users of Glen Helen Regional Park.*

1 (E) *Makes a finding that the county has obtained any required*
2 *federal approval for transfer of the Glen Helen Regional Park*
3 *property.*

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to authorize the completion of the transaction to create
9 a road facilitating access to Glen Helen Regional Park and adjacent
10 development at the earliest possible time, it is necessary that this
11 act take effect immediately.